

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. _____

CARLISE A. OGLESBY,

Plaintiff,

v.

AT&T MOBILITY SERVICES, LLC.

Defendant.

COMPLAINT
(Jury Trial Demanded)

Plaintiff, complaining of the Defendant, alleges and says:

I. INTRODUCTION AND JURISDICTION

1. This is an action seeking legal and equitable relief under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.* (“Title VII”), the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981 (“§ 1981”). Plaintiff was discharged because of her race in violation of Title VII and Section 1981.

2. Jurisdiction of the court is invoked pursuant to 28 U.S.C. § 1343, this being a proceeding seeking to enforce rights and remedies secured by Title VII. Jurisdiction is also conferred upon this court by 28 U.S.C. §1331.

3. Jurisdiction is further invoked pursuant to 28 U.S.C. §§2201 and 2202, this being an action for declaratory judgment declaring illegal acts of Defendants complained of herein which violate rights secured to the Plaintiff by Title VII.

II. PARTIES

4. Plaintiff is an African-American female resident of Mt. Holly, Gaston County, North Carolina.

5. Defendant is engaged in the provision of communication services and in the sale of communication services and products and is an employer within the meaning of Title VII.

III. FACTS

6. Plaintiff was hired by Defendant in October, 2008 as a Sales Support Representative. Throughout her employment with Defendant, she advanced to the position of In Home Solutions Manager in 2018. In that capacity, she was responsible for a team of sales people who sold products and services to customers. She was responsible for the team's production and was responsible for reporting those sales.

7. On August 28, 2019, Plaintiff was terminated from her position for violating the company policies and procedures regarding vendor supply devises.

8. Plaintiff denies that she violated the Company's policies with respect to vendor supply devises. Plaintiff is aware that her white counterparts have given discounts on equipment, used vendor supply devices for personal use or other use and waived activation fees without suffering any disciplinary consequences. Further, Plaintiff is aware that white employees who report in the same chain of command as she does have engaged in fraudulent practices, but have not been terminated or otherwise, to her knowledge, disciplined by the Company.

9. During her employment, Plaintiff had a good employment record, including satisfactory and above satisfactory evaluations. She had never received any previous disciplinary actions. Defendant did not follow its progressive disciplinary policy.

IV. CLAIMS FOR RELIEF

First Cause of Action: Race Discrimination

10. Plaintiff hereby realleges paragraphs 1 through 9 above and incorporates the same herein.

11. Plaintiff was discharged from her employment because of her race. Similarly situated white employees who have engaged in the same or similar behavior as that of which Plaintiff was accused have not been terminated despite them reporting through the same managers or chain of control as Plaintiff. Defendant's actions violate Title VII and Section 1981.

12. Plaintiff has suffered economic and emotional distress as a result of Defendant's actions. She is entitled to compensatory damages to compensate her for the harm caused by Defendant's action.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES (DO NOT NEED IF COMPLAINT IS ONLY SECTION 1981)

13. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission on December 12, 2019, EEOC Charge 430-2019-02930. The Equal Employment Opportunity Commission issued Plaintiff a dismissal and notice of rights on September 12, 2020. Plaintiff is filing this Complaint within ninety (90) days of the date of the receipt of the Right to Sue letter, has complied with all jurisdictional requirements of Title VII, and has exhausted all administrative prerequisites to instituting this proceeding.

VI. JURY TRIAL DEMAND

14. Plaintiff hereby demands a trial by jury.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the discrimination be remedied in full and that the court, after a jury trial:

- a. Declare the actions complained of herein to be illegal;
- b. Issue an injunction enjoining the Defendant, its agents, employees, successors, attorneys and those acting in concert or participation with the Defendants and at its direction from engaging in the unlawful practices set forth herein and any other employment practice shown to be in violation of Title VII and Section 1981.
- c. Award Plaintiff compensatory damages for pain and suffering and infliction of emotional distress;
- d. Award Plaintiff her costs and expenses in this action, including reasonable attorney's fees, other litigation expenses; and
- e. Grant such other and further relief as may be just and necessary to afford complete relief to Plaintiff.

This 11th day of December, 2020.

/s/ Geraldine Sumter

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